

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

SCOTT JOHANNESSEN; MERIDIAN
VENTURE PARTNERS, LLC, a limited
liability company,

Plaintiffs,

v.

BAC HOME LOANS SERVICING, LP, a
limited partnership.; BANK OF AMERICA,
N.A., a corporation; and QUALITY LOAN
SERVICE CORP., a corporation,

Defendants.

Case No. 3:13-cv-00296

Judge: Haynes

Magistrate Judge: Griffin

*ON DENIAL
UPON THE
MAGISTRATE JUDGE'S REPORT,
THIS MOTION IS DENIED
WITHOUT PREJUDICE AS
MIST.*

*Will [Signature]
11-24-13*

MOTION TO DISMISS AMENDED COMPLAINT

Bank of America, N.A., ("BANA"),¹ pursuant to Rule 12(b)(6), Fed.R.Civ.P., moves the Court to dismiss the claims asserted against it in the amended complaint.²

This is a suit that purportedly arises from an attempt by BANA to institute foreclosure on rental property located at 15 Cagney Court, Sacramento, California. The property was previously owned by Plaintiff Johannessen and his wife, but is currently owned by Meridian. Plaintiffs assert various claims and causes of action arising from the bank's notice of foreclosure and its claimed failure to respond to a QWR and its alleged failure to provide notices under RESPA and TILA. Likewise, Plaintiffs assert violations of the FDCPA, the California FDCPA and violations of the codebtor bankruptcy stay. They assert a claim for fraud and slander of title and seek both monetary damages and to quiet title to the property.

¹ BAC Home Loans Servicing LP was merged into BANA on July 11, 2011. Accordingly, BAC Home Loans is no longer in existence.

² The amended complaint was filed after BANA submitted its motion to dismiss the original complaint. The amended complaint added Meridian Venture Partners and expanded on some allegations, but still fails to state a claim upon which relief can be granted,